

acquired by the filing of this Complaint, pursuant to the Declaration of Taking, are set forth in Schedules “C” and “D.”

6. The interest being acquired in the property described in Schedules “C” and “D” is set forth in Schedule “E.”

7. The amount of just compensation estimated for the property interest being acquired is set forth in Schedule “F.”

8. The names and addresses of known parties having or claiming an interest in said acquired property are set forth in Schedule “G.”

9. Local and state taxing authorities may have or claim an interest in the property by reason of taxes and assessments due and eligible.

WHEREFORE, Plaintiff requests judgment that the interest described in Schedule “E” of the property described in Schedules “C” and “D” be condemned, and that just compensation for the taking of said interest be ascertained and awarded, and for such other relief as may be lawful and proper.

Respectfully submitted,

RYAN K. PATRICK
United States Attorney
Southern District of Texas

By: *s/ Megan Eyes*
MEGAN EYES
Assistant United States Attorney
Southern District of Texas No. 3135118
Florida Bar No. 0105888
1701 W. Bus. Hwy. 83, Suite 600
McAllen, TX 78501
Telephone: (956) 618-8010
Facsimile: (956) 618-8016
E-mail: Megan.Eyes@usdoj.gov
Attorney in Charge for Plaintiff

SCHEDULE

A

SCHEDULE A

AUTHORITY FOR THE TAKING

The property is taken under and in accordance with 40 U.S.C. §§ 3113 and 3114, which authorize the condemnation of land and the filing of a Declaration of Taking; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, 110 Stat. 3009-546, 3009-554-55, as amended and codified at 8 U.S.C. § 1103(b) & note; and the Act of Congress approved March 23, 2018, as Public Law 115-141, div. F, tit. II, Section 230, which appropriated the funds that shall be used for the taking.

SCHEDULE B

SCHEDULE B

PUBLIC PURPOSE

The public purpose for which said property is taken is to construct, install, operate, and maintain roads, fencing, vehicle barriers, security lighting, cameras, sensors, and related structures designed to help secure the United States/Mexico border within the State of Texas.

SCHEDULE C

SCHEDULE C

LEGAL DESCRIPTION

Starr County, Texas

Tract: RGV-RGC-9047
Owner: Viola Garza, *et al.*
Acres: 11.580

Being a 11.580 acre tract (504,417 sq ft) parcel of land, more or less, being out of a called 445.600 acres, calculated as 454.294 acres, in Starr County, Texas conveyed to Garza Viola ET AL, Volume 1300, Page 334. Said parcel of land more particularly described by metes and bounds as follows;

Starting at COE Project control marker SR-05-2019, having the following NAD83 (2011) Grid Coordinates N=16621139.93, E=957740.48; Thence N 71°35'44" W a distance of 7999.99 feet to a found 4" iron pipe at the Southwest corner of the Domingo Villarreal, JR ET UX Tract 2, Volume 1485 Page 657 and on the East line of the Garza Viola ET AL tract, Volume 1300, Page 334, for the **Point of Commencement**, having the following coordinates: N=16623665.72, E=950149.68.

Thence: S 50°45'01" W departing said property line, crossing an existing 20 foot wide dirt road at 3592 feet, a distance of 3622.65 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-RGC-9025-2-2=9047-1 on the West line of the Garza Viola ET AL tract, Volume 1300, Page 334 and on the East line of the United States of America Fish and Wildlife Tract 540A & 540A1, Volume 587, Page 617, for the **Point of Beginning**, having the following coordinates: N=16621373.67, E=947344.32, said point being on the Northern boundary of the parcel herein described;

Thence: S 82°04'07" E departing said property line, along said Northern boundary, crossing an existing 20 foot wide dirt road at 20 feet, a distance of 480.36 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-RGC-9047-1A for a Point on Line;

Thence: S 82°04'07" E along said Northern boundary, a distance of 480.36 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-RGC-9047-1B for a Point on Line;

Thence: S 82°04'07" E along said Northern boundary, crossing an existing 20 foot wide dirt road at 317 feet, a distance of 480.36 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-RGC-9047-1C for a Point on Line;

SCHEDULE C (Cont.)

Thence: S 82°04'07" E along said Northern boundary, a distance of 480.36 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-RGC-9047-1D for a Point on Line;

Thence: S 82°04'07" E along said Northern boundary, crossing the center of an existing 18 foot wide dirt road at 439 feet, a distance of 480.36 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-RGC-9047-2=9048-1 for angle, said point being on the East line of the Garza Viola ET AL tract, Volume 1300, Page 334 and on the West line of the Danilo Lozano JR tract, Document # 2019-350420;

Thence: S 09°14'05" W along said property line, departing said Northern boundary, a distance of 210.05 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-RGC-9047-3=9048-6 for angle, said point being on the Southern boundary of the parcel herein described;

Thence: N 82°04'07" W departing said property line, along said Southern boundary, crossing the center of an existing 18 foot wide dirt road at 37 feet, a distance of 480.43 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-RGC-9047-3A for a Point on Line;

Thence: N 82°04'07" W along said Southern boundary, a distance of 480.43 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-RGC-9047-3B for a Point on Line;

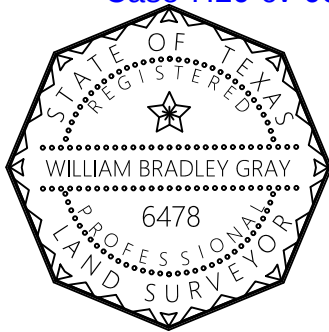
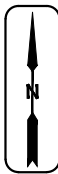
Thence: N 82°04'07" W along said Southern boundary, crossing the center of an existing 20 foot wide dirt road at 173 feet, a distance of 480.43 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-RGC-9047-3C for a Point on Line;

Thence: N 82°04'07" W along said Southern boundary, a distance of 480.43 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-RGC-9047-3D for a Point on Line;

Thence: N 82°04'07" W along said Southern boundary, crossing the center of an existing 20 foot wide dirt road at 456 feet, a distance of 480.43 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-RGC-9025-2-3=9047-4 for angle, said point being on the West line of the Garza Viola ET AL tract, Volume 1300, Page 334 and on the East line of the United States of America Fish and Wildlife Tract 540A & 540A1, Volume 587, Page 617;

Thence: N 09°20'00" E along said property line, departing said Southern boundary, a distance of 210.06 feet returning to the **Place of Beginning**.

SCHEDULE D



I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE
GROUND UNDER MY SUPERVISION AND THAT THIS PLAT
CORRECTLY REPRESENTS THE FACTS AS FOUND AT THE
TIME OF THE SURVEY.

SURVEY DATE, FEBRUARY 2019.

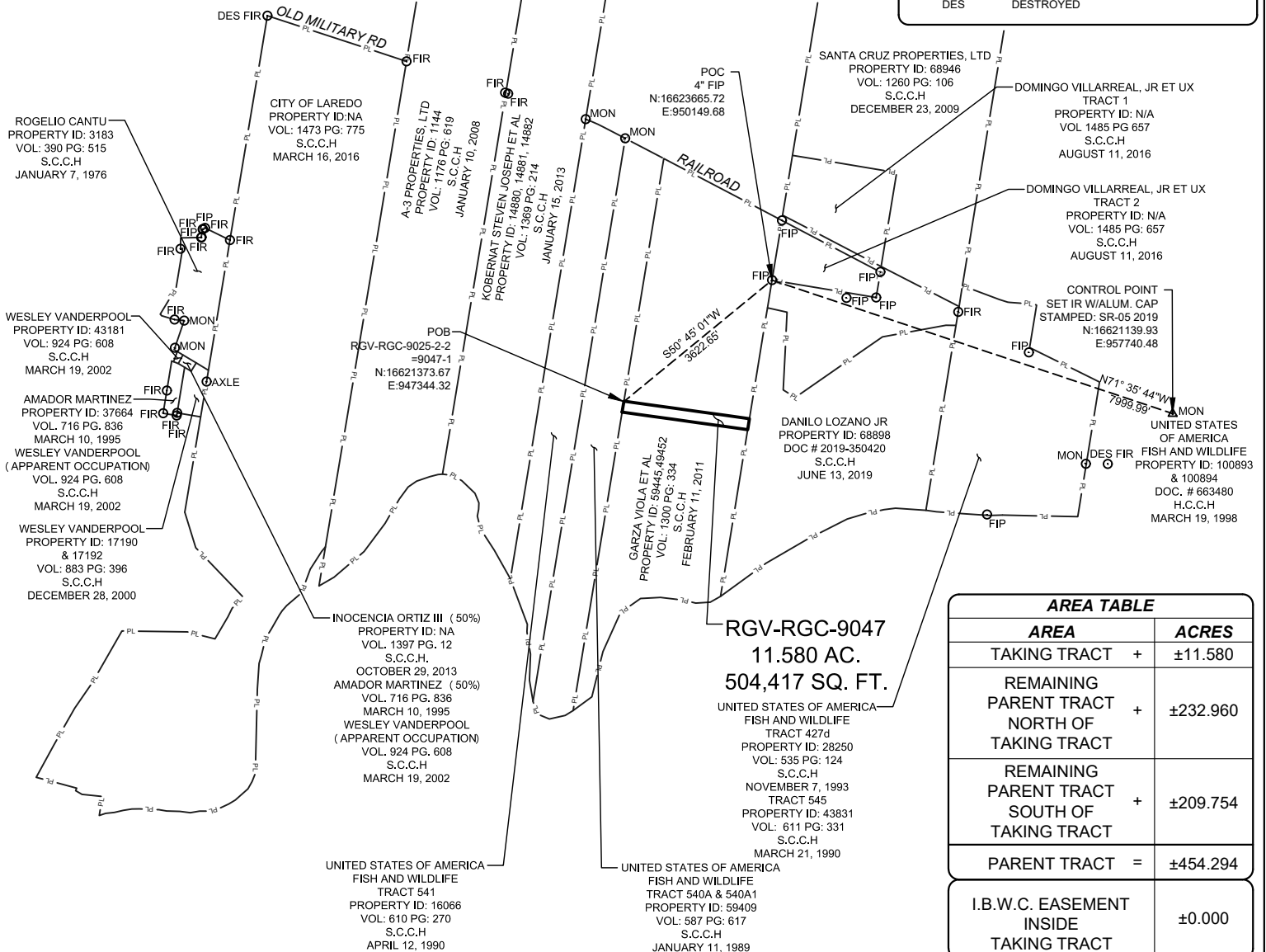
William Bradley Gray
WILLIAM BRADLEY GRAY
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 6478

0 750 1500 3000 6000

SCALE IN FEET

LEGEND:

	FOUND MONUMENT (AS NOTED)
	CONTROL POINT
	ACQUISITION BOUNDARY
	PROPERTY LINE
S.C.C.H.	(FOUND) STARR COUNTY COURTHOUSE
S.C.C.M.	(FOUND) STARR COUNTY CAD MAP
W/	WITH
ALUM.	ALUMINUM
CONC.	CONCRETE
POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
PG.	PAGE
VOL.	VOLUME
FIP	FOUND IRON PIPE
FIR	FOUND IRON ROD
DES	DESTROYED



AREA TABLE

AREA	ACRES
TAKING TRACT +	±11.580
REMAINING PARENT TRACT NORTH OF TAKING TRACT +	±232.960
REMAINING PARENT TRACT SOUTH OF TAKING TRACT +	±209.754
PARENT TRACT =	±454.294
I.B.W.C. EASEMENT INSIDE TAKING TRACT	±0.000

SHEET NO.

4 OF 10

METES & BOUNDS SURVEY

GARZA VIOLA ET AL

TRACT NO. RGV-RGC-9047
STARR COUNTY
TEXAS

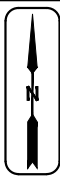
DRAWN BY:
JP 9/19
CHECKED BY:
WBG 9/19
SURVEY DATE:
8/19
PLOT DATE:
9/19
SHEET
SIZE: ANSI-A

MARK	DESCRIPTION	DATE	APPR.
1	BOUNDARY CHANGE	9/17/19	

BORDER WALL TASK ORDER: 003
CONTRACT NO.: W9128F-15-D-0012

SPECIALISTS IN SURVEYING & MAPPING
Web Address: <http://www.emcsurvey.com>
2472 SUNSET DR. * GRENADA, MS 38901 * Ph: (662) 226-5166 * Fax: (662) 226-5170
CENTER POINT, LA * PUNTA GORDA, FL * HOUSTON, TX

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SCALE IN FEET

*NOTE:

ALL ROADS ARE PRIVATE, UNLESS NOTED OTHERWISE.

UNITED STATES OF AMERICA
FISH AND WILDLIFE
TRACT 540A & 540A1
PROPERTY ID: 59409
VOL: 587 PG: 617
S.C.C.H
JANUARY 11, 1989

GARZA VIOLA ET AL
PROPERTY ID: 59445,49452
VOL: 1300 PG: 334
S.C.C.H
FEBRUARY 11, 2011

CONTROL POINT
SET IR W/ALUM. CAP
STAMPED: SR-05 2019
N:16621139.93
E:957740.48

POC
4" FIP
N:16623665.72
E:950149.68

POB
RGV-RGC-9025-2-2
=9047-1
N:16621373.67
E:947344.32

RGV-RGC-9047-1A

RGV-RGC-9047
11.580 AC.
504,417 SQ. FT.

RGV-RGC-9025-2-3
=9047-4

RGV-RGC-9047-3D

GARZA VIOLA ET AL
PROPERTY ID: 59445,49452
VOL: 1300 PG: 334
S.C.C.H
FEBRUARY 11, 2011

SHEET NO.

5 OF 10

METES & BOUNDS SURVEY

GARZA VIOLA ET AL

TRACT NO. RGV-RGC-9047
STARR COUNTY TEXAS

DRAWN BY:
JP 9/19
CHECKED BY:
WBG 9/19
SURVEY DATE:
8/19
PLOT DATE:
9/19
SHEET
SIZE: ANSI-A

MARK	DESCRIPTION	DATE	APPR.
1	BOUNDARY CHANGE	9/17/19	

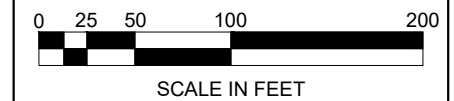
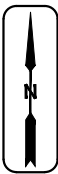
BORDER WALL TASK ORDER: 003
CONTRACT NO.: W9128F-15-D-0012



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GARZA VIOLA ET AL
PROPERTY ID: 59445,49452
VOL: 1300 PG: 334
S.C.C.H
FEBRUARY 11, 2011

RGV-RGC-9047-1A

S82° 04' 07"E
480.36'

RGV-RGC-9047-1B

RGV-RGC-9047
11.580 AC.
504,417 SQ. FT.

RGV-RGC-9047-3D

N82° 04' 07"W
480.43'

RGV-RGC-9047-3C

GARZA VIOLA ET AL
PROPERTY ID: 59445,49452
VOL: 1300 PG: 334
S.C.C.H
FEBRUARY 11, 2011

SHEET NO.

6 OF 10

METES & BOUNDS SURVEY

GARZA VIOLA ET AL

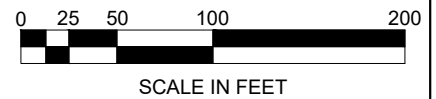
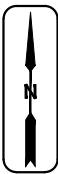
TRACT NO. RGV-RGC-9047
STARR COUNTY TEXAS

DRAWN BY:
JP 9/19
CHECKED BY:
WBG 9/19
SURVEY DATE:
8/19
PLOT DATE:
9/19
SHEET
SIZE: ANSI-A

MARK	DESCRIPTION	DATE	APPR.
1	BOUNDARY CHANGE	9/17/19	
BORDER WALL TASK ORDER: 003			
CONTRACT NO. : W9128F-15-D-0012			

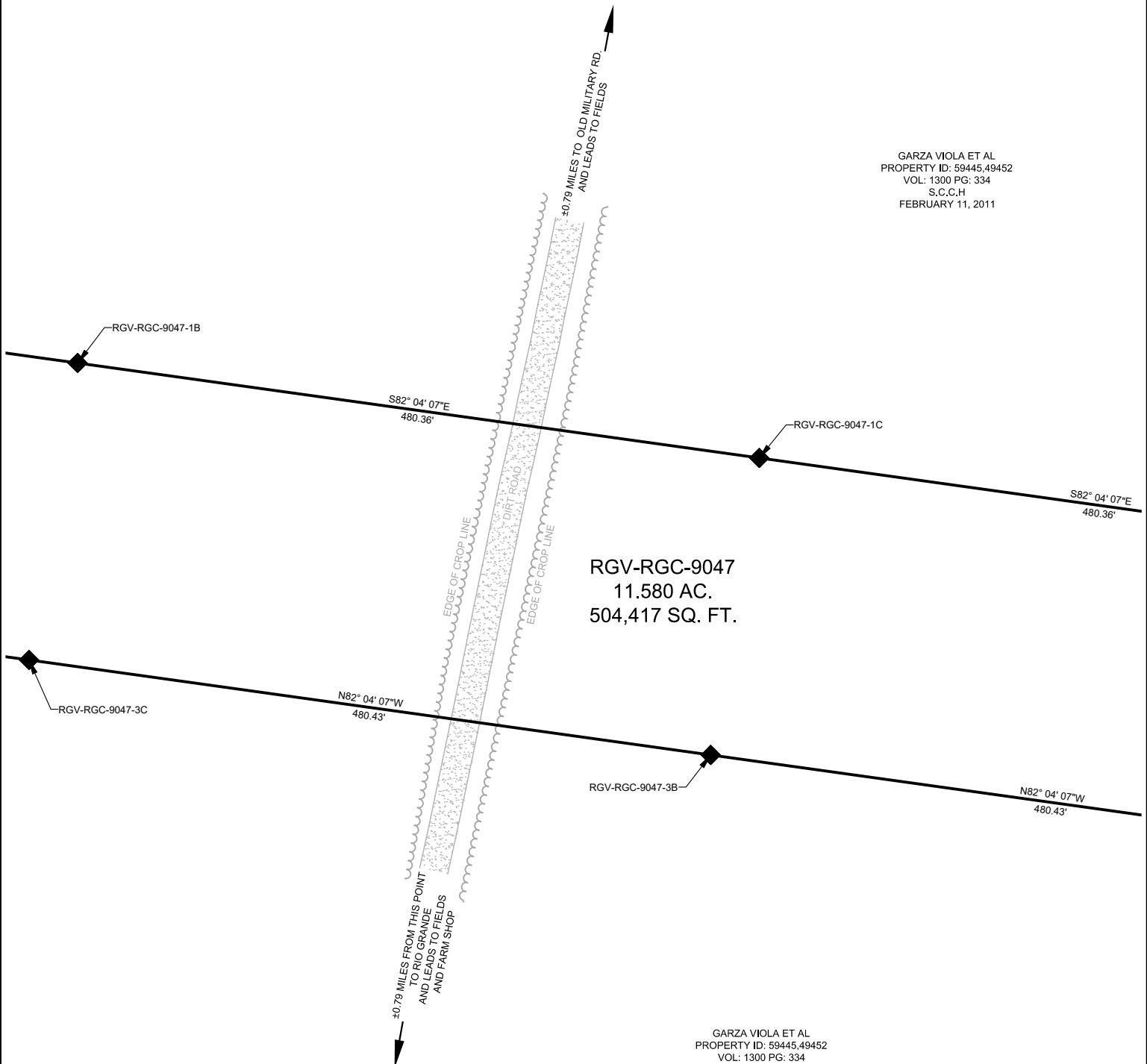


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GARZA VIOLA ET AL
PROPERTY ID: 59445,49452
VOL: 1300 PG: 334
S.C.C.H
FEBRUARY 11, 2011



GARZA VIOLA ET AL
PROPERTY ID: 59445,49452
VOL: 1300 PG: 334
S.C.C.H
FEBRUARY 11, 2011

SHEET NO.

7 OF 10

METES & BOUNDS SURVEY

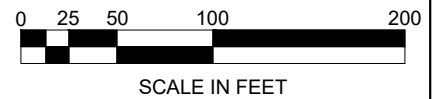
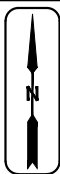
GARZA VIOLA ET AL

TRACT NO. RGV-RGC-9047
STARR COUNTY TEXAS

DRAWN BY:
JP 9/19
CHECKED BY:
WBG 9/19
SURVEY DATE:
8/19
PLOT DATE:
9/19
SHEET
SIZE: ANSI-A

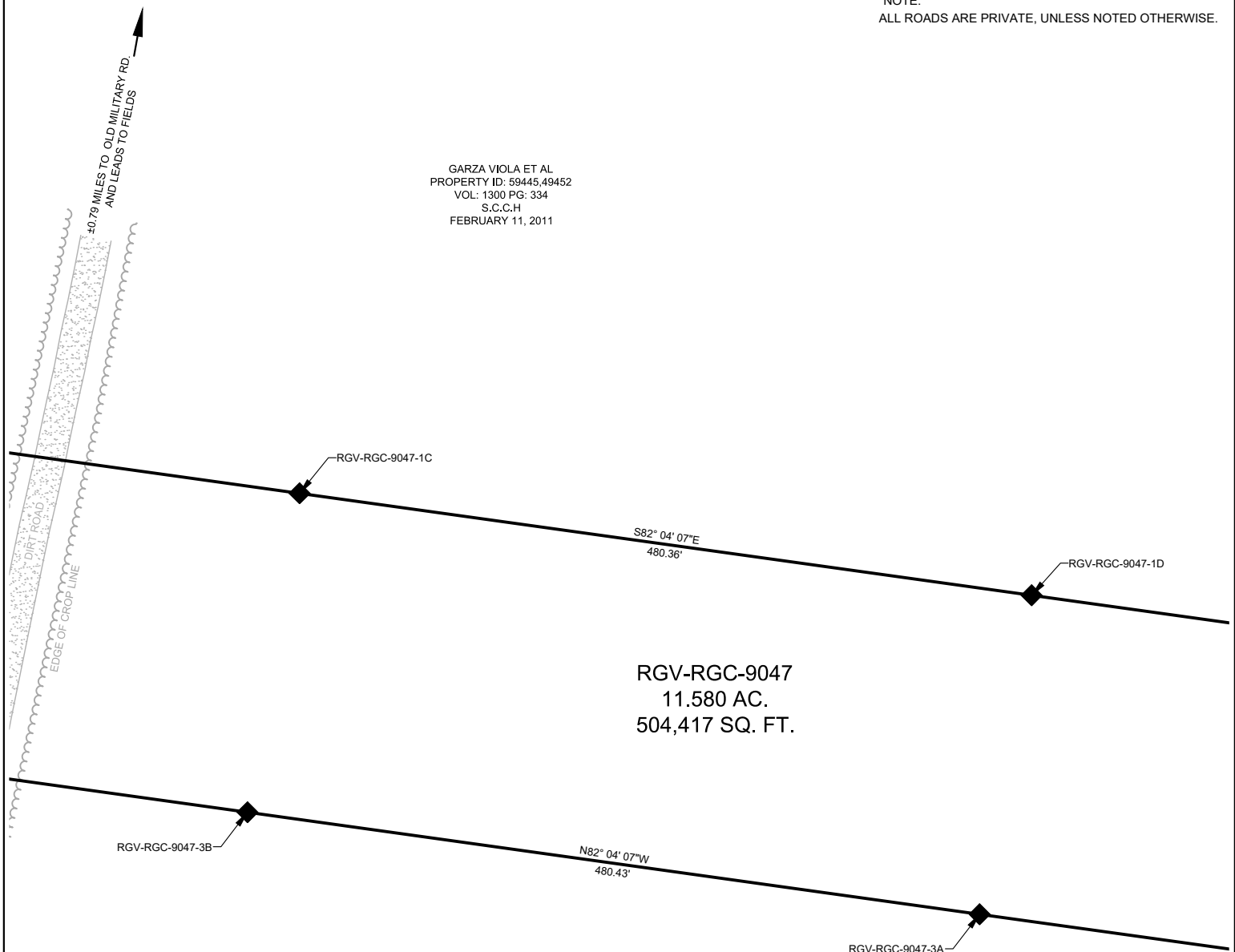
MARK	DESCRIPTION	DATE	APPR.
1	BOUNDARY CHANGE	9/17/19	
BORDER WALL TASK ORDER: 003			
CONTRACT NO. : W9128F-15-D-0012			





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GARZA VIOLA ET AL
PROPERTY ID: 59445,49452
VOL: 1300 PG: 334
S.C.C.H
FEBRUARY 11, 2011



GARZA VIOLA ET AL
PROPERTY ID: 59445,49452
VOL: 1300 PG: 334
S.C.C.H
FEBRUARY 11, 2011

SHEET NO.

8 OF 10

METES & BOUNDS SURVEY

GARZA VIOLA ET AL

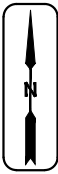
TRACT NO. RGV-RGC-9047
STARR COUNTY TEXAS

DRAWN BY:
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CHECKED BY:
WBG 9/19
SURVEY DATE:
8/19
PLOT DATE:
9/19
SHEET
SIZE: ANSI-A

MARK	DESCRIPTION	DATE	APPR.
1	BOUNDARY CHANGE	9/17/19	
BORDER WALL TASK ORDER: 003			
CONTRACT NO. : W9128F-15-D-0012			



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GARZA VIOLA ET AL
PROPERTY ID: 59445,49452
VOL: 1300 PG: 334
S.C.C.H
FEBRUARY 11, 2011

RGV-RGC-9047
11.580 AC.
504,417 SQ. FT.

RGV-RGC-9047-3A

N82° 04' 07"W
480.43'

PRGV-RGC-9047-2
=9048-1

S82° 04' 07"E
480.36'

RGV-RGC-9047-3
=9048-6

GARZA VIOLA ET AL
PROPERTY ID: 59445,49452
VOL: 1300 PG: 334
S.C.C.H
FEBRUARY 11, 2011

DANILO LOZANO JR
PROPERTY ID: 68898
DOC # 2019-350420
S.C.C.H
JUNE 13, 2019

±0.92 MILES FROM THIS POINT
TO RIO GRANDE
AND LEADS TO FIELDS
AND FARM SHOP

±0.93 MILES FROM THIS POINT
TO RIO GRANDE
AND LEADS TO FIELDS

SHEET NO.

9 OF 10

METES & BOUNDS SURVEY

GARZA VIOLA ET AL

TRACT NO. RGV-RGC-9047
STARR COUNTY TEXAS

DRAWN BY:
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WBG 9/19
SURVEY DATE:
8/19
PLOT DATE:
9/19
SHEET
SIZE: ANSI-A

MARK	DESCRIPTION	DATE	APPR.
1	BOUNDARY CHANGE	9/17/19	

BORDER WALL TASK ORDER: 003
CONTRACT NO.: W9128F-15-D-0012



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SCHEDULE E

SCHEDULE E

ESTATE TAKEN

Starr County, Texas

Tract: RGV-RGC-9047
Owner: Viola Garza, *et al.*
Acres: 11.580

The estate acquired is fee simple, subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; and subject to the mineral interests of third parties; excepting and reserving to the Grantor all interests in minerals and appurtenant rights for the exploration, development, production and removal of said minerals;

Reserving to the owners of lands identified in conveyance recorded on February 11, 2011 with the Starr County Recorder, volume 1300, page 334, document number 295650, reasonable access to and from the owners' lands lying between the Rio Grande River and the border barrier through opening(s) or gate(s) in the border barrier between the westernmost mark labeled "Beginning" and easternmost mark labeled "Ending" depicted on the map below;

Excepting and excluding all interests in water rights and water distribution and drainage systems, if any, provided that any surface rights arising from such water rights or systems are subordinated to the United States' construction, operation, and maintenance of the border barrier.

SCHEDULE E (Cont.)



SCHEDULE F

SCHEDULE F

ESTIMATE OF JUST COMPENSATION

The sum estimated as just compensation for the land being taken is ONE HUNDRED SIXTY TWO THOUSAND, SEVEN HUNDRED AND SEVENTY TWO DOLLARS AND NO/100 (\$162,772.00), to be deposited herewith in the Registry of the Court for the use and benefit of the persons entitled thereto.

SCHEDULE G

SCHEDULE G**INTERESTED PARTIES**

The following table identifies all persons who have or claim an interest in the property condemned and whose names are now known, indicating the nature of each person's property interest(s) as indicated by references in the public records and any other information available to the United States. See Fed. R. Civ. P. 71.1(c).

Interested Party	Reference
Viola Garza [REDACTED] Austin, TX 78546	RGV-RGC-9047 Executors' Deed, Document # 148458; Recorded July 12, 1989, Deed Records of Starr County
Sonia Morton [REDACTED] San Antonio, TX 78259	
Maria Garza [REDACTED] Mission, TX 78574	
Ileana Baca [REDACTED] San Antonio, TX 78259	
Felix Tadeo Martinez [REDACTED] Santa Elena, TX 78591	
Alma Coplen [REDACTED] Austin, TX 78717-4919	
Alicia Koeneke [REDACTED] Mission, TX 78572	
The Estate of Rolando J. Vallejo [REDACTED] Pharr, TX 78577	
Vern Vanderpool [REDACTED] Alamo, TX 78516	RGV-RGC-9047 Tenant in Possession

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|-----------------------------------------|----------------------------|----------------------------|---------------------------------------------------------------|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutional of State Statutes
		LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act		
		IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions		

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.